

ATTORNEY DOCKET NO. ATTW01-00025
U.S. SERIAL NO. 09/589,241
PATENT

REMARKS

The Examiner is thanked for his Office Action. The Examiner is thanked in particular for the specific references to Eskafi's teachings used to support each rejection.

Claims 1-25 are pending in the application. All claims were rejected.

The arguments presented in the previous response are reiterated and incorporated herein by reference.

35 USC § 102 – Anticipation

Claims 1-19 and 22-25 were rejected as anticipated by Eskafi *et al.* (USP 6,438,223, hereinafter "Eskafi"). These rejections are traversed.

Independent Claim 1 requires "a service node which monitors services ... and using the service node, monitoring signals to the terminating remote communication." Nothing in Eskafi appears to teach or suggest this feature. The passages of Eskafi do reference a Service Control Point (SCP), but a typical SCP does not monitor services, and typically provides a database lookup function and control functions, but no monitoring functions – and Eskafi does not describe that the SCP or any other component actually monitors services. In fact, the term "monitor" does not appear in Eskafi at all.

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The current Office Action appears to rely on Eskafi's SCP as the claimed service node, and cites specifically col. 4-5 lines 60-13, col. 5 lines 34-57, and col. 13-15 lines 60-4. A careful analysis of these passages does not indicate that Eskafi's SCP monitors services. For convenience of reference, the portions of these passages that reference Eskafi's SCP are reproduced below, while the portions of those passages that do not reference the SCP are omitted.

Eskafi's col. 4-5, lines 60-13, in relevant part, describe the SCP as follows (note that although this passage references "Fig. 2A"; Eskafi does not have a Figure 2A):

FIG. 2A illustrates the LRN scheme for implementing Service Provider Portability In addition to the SCP database, each service provider is provisioned with an additional LNP-SCP database for storing the routing information for a ported subscriber. ... When a call to a DN that has been predefined as LNP portable, the Service Control Point's (SCP) service logic programmed in the exchange will initiate an AIN or IN based LNP query to the LNP-SCP to obtain the LRN for the destination exchange to which the DN that has been ported. The queried LRN is then returned to the exchange to route the call accordingly.

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This passage describes the "SCP Database," but does not teach or suggest that the SCP (or the SCP's service logic) monitors any services.

Eskafi's col. 5, lines 34-57, in relevant part, describe the SCP as follows:

At some point, a connecting exchange must look up the ported information from one of the LNP-SCPs in order to complete the circuit to the ported location. ... In step (2), this induces a STP to lookup LRN(DN1) from LNP-SCP.

This passage describes lookups into the SCP database, but again does not teach or suggest that the SCP monitors any services at all.

Eskafi's col. 13-14, lines 60-4, in relevant part, describe the SCP as follows:

This will trigger a query to an LNP database (LNP-SCP). The query is done via a STP in which the ISUP part is conventional, but the TCAP part of the SS7 message enables lookup to either an ONS or LNP database and the STP returns a query result to the exchange.

Again, nothing in this passage teaches or suggests that the SCP monitors any services at all.

In specific response to Applicant's previous argument on this point, the present Office Action states "Eskafi does describe that the SCP (service node) and IP monitors services (col.3 lines 54-65, col. 4 lines 14-21, and col. 9 lines 36-51)." These passages are analyzed as follows.

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Col. 3, lines 54-65, reads, in relevant part:

... The IP interacts with SCP to have the forwarding of DN1 to DN2 entered into the SCP. ... Subsequently, when a call to DN1 is received in X1, it will trigger X1 to obtain the call-forwarding information directing to DN2 by performing a lookup on the SCP. ...

This passage indicates that the "IP interacts with the SCP" to enter information into the SCP, and that a lookup is performed on the SCP. Nothing in this passage teaches or suggests that the SCP monitors services.

Col. 4, lines 14-21, reads in its entirety:

The intelligent network-based call-forwarding scheme improves on the switch-based scheme in that the call-forwarding information is not hard-coded into the exchange but rather retrievable from a more flexible database. The service need not be set up at the original access point L1 but could be set up by the subscriber from any access point including L2 that has access to the IP. Otherwise, it still has the same disadvantages as that of switch-based scheme.

This passage says nothing specific about the SCP at all, and has no teaching or suggestion of monitoring services.

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Col. 9, lines 36-51 reads in its entirety:

In an Intelligent or Advanced Intelligent Network (IN/AIN), a set of databases 60 as provided by one or more Service Control Point (SCP) such as 62, 64 may be installed as a point in the SS7 network. The SCP 60 is a database for providing service related information or number porting information and is available for an exchange to retrieve information dynamically via an STP. As described earlier, in a network where service provider portability has been implemented, a LNP-SCP 62 has been added to store service provider number porting information. In one preferred embodiment of the present invention, a database OSCP 70 for storing information about ported number across arbitrary access points is also provided. The OSCP 70 is connectable to the OSTP 50 via the SS7 network 40 and/or via a high-speed connection 72. The set of databases 60 is maintained by a Local Service Management System (LSMS) 80.

This passage indicates that Eskafi's SCP, and its variations, serves as a database, storing information and accessible for lookups. Like the other cited passages, this one does not teach or suggest that the SCP monitors any services.

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So, although the Applicant has studied closely the entirety of Eskafi, and the passages cited by the Examiner in particular, Eskafi does not teach or suggest "using the service node, monitoring signals to the terminating remote communication." Since a service node as claimed is not taught or suggested by Eskafi, the anticipation rejection must fall, and Claim 1 should be allowed. Similarly, Claims 2-11, which depend (directly or indirectly) from Claim 1, should be allowed.

Independent Claim 12 requires "a service node connected in the signal path ... said LNP database supplying the LRN instruction to said service node ... in which said service node provides network services to said terminating remote communication device." Nothing in Eskafi appears to teach or suggest a service node connected and operating as claimed. Applicant has studied the passages cited by the Examiner in response, but again the Applicant can find nothing in Eskafi that describes the claimed limitations. Since a service node as claimed is not taught or suggested by Eskafi, the anticipation rejection must fall, and Claim 12 should be allowed. Similarly, Claims 13-20, which depend (directly or indirectly) from Claim 1, should be allowed.

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Applicant specifically notes that with regard to dependent claims 2, 13, 14, and 23, the claimed service node is identified as an SCP. A typical SCP, as noted above, may perform lookup or control functions, but does not typically perform the other claimed functions. The American National Standard for Telecommunications – Telecom Glossary 2000 (see <http://www.atis.org/tg2k/>) defines an SCP as “An entity in the intelligent network that implements a service control function.” As SCPs are not known in the art for performing the functions described and claimed by the present application, and Eskafi fails to describe these claimed functions either, these functions cannot be attributed to the SCP described in Eskafi.

35 USC § 103 – Obviousness

Claims 20 and 21 were rejected as obvious over Eskafi. These rejections are traversed.

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The Examiner correctly notes that nothing in Eskafi discloses that the service node monitors the communication for billing purposes. In fact, nothing in Eskafi appears to teach or suggest any service node, as claimed in independent claims 12 and 21, that monitors communications as described (as more fully discussed with regard to claim 12, above). Further, with regard to claim 21, nothing in Eskafi appears to teach or suggest "in response to the LRN, creating a service node..." (emphasis added). As the features of claims 20 and 21 are not taught or suggested by Eskafi, these claims should be allowed, as should claims 22-25, that depend from Claim 21.

As noted above, the Examiner is respectfully requested to identify which elements in Eskafi are used to meet each of the claim limitations – and in particular, which element in Eskafi corresponds to the claimed service node. If the undersigned has overlooked or misinterpreted a relevant teaching in Eskafi, he would be grateful for the Examiner's identification of the error.

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SUMMARY

If any issues arise, or if the Examiner has any suggestions for expediting allowance of this Application, the Applicant respectfully invites the Examiner to contact the undersigned at the telephone number indicated below or at *manderson@davismunck.com*.

The Commissioner is hereby authorized to charge any additional fees connected with this communication or credit any overpayment to Davis Munck Deposit Account No. 50-0208.

Respectfully submitted,

DAVIS MUNCK, P.C.

Date: 6/7/4



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